



US PRISONS AND TERRORISTS

Subject: Social Studies | Current: 2010 | Grade: 10-12

Day: 1 of 3

1 Purpose

----- To examine the legal debate of imprisoning terrorists on American soil and the potential cultural, economic, and political ramifications of such a public policy, and to explore constitutional questions germane to the policy of imprisoning terrorists

2 Duration of Lesson

----- 1-3 days of 50 minutes depending on instructor

3 Topics Addressed

----- Court rulings; Executive policy; Legislative hearings; Federalism

4 Objectives

----- At the conclusion of this lesson, students will be able to:

- identify various perspectives of the issue
- state pros and cons of various viewpoints
- create a public policy solution

5 Standards Addressed

----- Define and provide examples of the rule of law and constitutionalism which reveal how these two ideas in concert are essential characteristics of limited government. [History; Individuals, Society, and Culture]

USG.1.8

Evaluate, take, and defend positions on specific foreign policy issues in light of local community and state interests and constitutional principles. [Economics; Individuals, Society, and Culture]

USG.4.13



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Identify a significant issue in the community; gather information about the issue, and make a justifiable decision to resolve the issue. [Individuals, Society, and Culture]

USG.5.12

Practice civic skills and dispositions by participating in a group of activities, such as simulated public hearings, mock trials, and debates. [Individuals, Society, and Culture]

USG.5.13

Identify the constitutional significance of the following landmark decisions of the United States Supreme Court (standard lists examples; include Boumediene v Bush decision) [Civics and Government]

USH.8.6

Locate and analyze primary and secondary sources presenting differing on events and issues of the past

USH.9.1

Indiana Department of Education. (n.d.). Indiana Standards and Resources: Social Studies: U.S. Government and History. Retrieved from <http://dc.doe.in.gov/Standards/AcademicStandards/StandardSearch.aspx>

6 Vocabulary

----- These terms are included in the lesson plan:

- **Civil liberties:** constitutional and legal protections from government interference into personal rights and freedoms
- **Federalism:** a system of government in which power is divided between a central government and several regional governments
- **Judicial review:** the authority of a court to declare legislative and executive acts unconstitutional and therefore invalid

7 Materials

----- Newspapers, newsmagazines, Internet

8 Additional Resources

----- All resources at instructor disposal



9 Procedures & Methods

----- The lesson plan's course is as follows:

A. Introduction

A series of legal questions and conditions arose during the Bush administration as to the constitutional authority of the executive branch in its prosecution of justice in the war on terror particularly regarding imprisonment of foreign terrorists and what constitutional rights which may be accorded them during their incarceration at Guantanamo Bay prison facility. The Obama administration's decision to close this particular facility has raised significant debate from various constituencies, especially as to what prison facilities in the US would take these prisoners, or if a brand new structure should be built. What safeguards would be implemented? To which states would these prisoners be transferred? How should the concerns of local communities be given an opportunity to be heard? This lesson provides for an examination of this situation through a public hearing activity in which students role-play various groups exploring the intricate, complex nature of this situation. On day 1, the instructor will provide an overview of the issues pertaining to the decision to close Guantanamo prison facility and what to do with the detainees. Assignments for roles will be made on this day as well.

B. Development

Students will be assigned, or volunteer, for various roles: Congressman, prison officials, local residents, legal experts, Executive Branch officials, and any roles an instructor may consider. Students will need to research the US policy of the Bush administration on Guantanamo prison facility, the 3 US Supreme Court opinions of *HAMDAN v RUMSFELD*, *BOUMEDIENE v BUSH*, *RASUL v BUSH*, and the current policy decision by President Obama to close the Guantanamo Bay prison facility by 2010. Additional research of the Military Commissions Act of 2006 will be needed.

C. Practice

A public hearing on the closing of Guantanamo Bay prison facility will be held with 5-10 students assigned to be Congressional/White House officials. The remainder of the students will play roles of various constituencies testifying before the panel – governors, prison officials, local residents, lawyers, civil liberties groups, and other groups determined by an instructor. Each individual would be given 3-5 minutes to present their individual viewpoints utilizing note cards or paper with prepared comments. A question and answer period will be conducted by the Congressional panel after all the individual presentations have concluded. The

testimony would take probably two days. A third day could be utilized to have the panel provide their policy directives based on the testimony. If students from another class could be able to sit in as members of the news media, and then write a newspaper article about the hearing, that would be neat to try.



D. Independent Practice

On day two, students will research the 3 court cases relating to the detainees – Hamdan v Rumsfeld, Boumediene v Bush, Rasul v Bush – as well as the Obama administration to close Guantanamo prison facility. The instructor will meander through the classroom answering questions, posing suggestions and tips, and checking the learning by asking questions of students.

E. Accommodations (Differentiated Instruction)

For high ability learners, this lesson could be modified to have the class divide into two executive branch advisory groups discussing the pro and cons of having Guantanamo prison detainees be transferred to American state prisons, and then making a presentation to the 'President' [role-played by the instructor]. Additionally, each group could formalize their pro and con ideas into a paper format, compose a letter to President Obama with each student signing the letter, and sending the documents to the White House in hopes of getting a response. Said documents could also be sent to Homeland Security offices.

F. Checking for understanding

Each student will be asked to explain their individual positions, concerns, ideas, and recommendations through their note collection and preparation for their role. The instructor will also listen carefully to each student presentation for accuracy, authenticity, and concreteness of position. Each student will be asked to prepare a written critique of the stated policy of closing Guantanamo prison.

G. Closure

Each student will be encouraged to follow this situation through active reading of newspapers, newsmagazines, news journals, Internet blogs and sites, so they can become active democratic citizens who engage in information collection and citizen activism. Some students may even pursue occupations in the prison system or in Homeland Security offices. The instructor could use this lesson as a final activity for a US History course or for a government course as a current event.

10 Evaluation

Each student will write an essay critiquing the proposed policy to close the Guantanamo prison facility using the collected research information used in their role-play and useful information gained from peers in their presentations. Individual instructor rubric established for student writing will be in effect for this paper.



11 Teacher Reflection

----- To be completed by the instructor after the lesson

12 Resources & Media

----- Newspapers, newsmagazines, Internet

- Supreme Court decisions which can be found at www.supremecourtus.gov, www.supct.law.cornell.edu/supct; or www.oyez.org/cases
- Articles in Time, Newsweek, US News & World Report, Atlantic, Foreign Affairs, Foreign Policy, Harper's, National Interest, The New Atlantis, etc.
- A recent set of Newsweek articles from June 8, 2009 are good: "Getting out of Gitmo: Inside the Struggle to Send Detainees Home" by Jonathan Mahler, and "The Re-education of Abu Jandal: Can Jihadists really be reformed? Closing Guantanamo may depend on it" by Kevin Peraino
- "Eyes on 'Alcatraz of the Rockies'", Kevin Johnson, USA Today, June 4, 2009

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